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**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

In re Application of
Carrai et al.
Application No. 09/759,022
Filed: January 11, 2001
For: **TEXT IMPROVEMENT**

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the petition filed December 10, 2004 to withdraw the holding of abandonment pursuant to 37 C.F.R. § 1.181. No fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a notice of appeal. A Notice of Abandonment was mailed November 30, 2004.

Petitioner supplied copies of the notice of appeal and subsequently filed appeal brief. A review of the file records reveals that the original appeal brief, filed January 14, 2004, has been located and matched with the file.

The originally filed notice of appeal has not been located. Petitioner alleges to have timely filed the notice of appeal on December 4, 2003. To support this position, Petitioner has included with the instant petition a copy of the notice of appeal bearing a proper certificate of mailing date of December 4, 2003.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

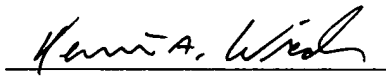
(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner has met the requirements above. Therefore, it is concluded that the notice of appeal was timely filed in compliance with the requirements of 37 CFR 1.8(a)(1).

In view of the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Any inconvenience caused Petitioner is regretted.

The examiner will be notified of the change in status of this application, and will take action in due course.

A handwritten signature in cursive script, appearing to read "Kenneth A. Wieder", is written over a horizontal line.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications